

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**EMQORE ENVESECURE PRIVATE
CAPITAL TRUST,**

Plaintiff,

v.

BHAVDEEP SINGH, *et al.*,

Defendants.

Civ. No. 20-07324 (KM) (JBC)

ORDER

This matter having come before the Court on motions (DE 115; DE 116; DE 118; DE 119; DE 121) filed by defendants (1) IHH Healthcare Berhad, (2) Khazanah Nasional Berhad, (3) New York Life Investment Management, LLC, (4) Bhavdeep Singh, and (5) Siguler Guff & Company, LP's (collectively, the "Defendants") to dismiss Emqore Envesecure Private Capital Trust's ("Emqore") Amended Complaint (DE 102) for lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2), failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6), improper service of process pursuant to Fed. R. Civ. P. 12(b)(4)-(5), and the doctrines of *forum non conveniens* and international abstention; and the Court having considered the submissions of the parties in support and in opposition (DE 130; DE 135; DE 136; DE 137; DE 138; DE 139) and decided the motions without oral argument; for the reasons stated in the Opinion filed on this date, and for good cause shown;

IT IS this 7th day of September, 2022

ORDERED that Defendants' motions to dismiss (DE 115; DE 116; DE 118; DE 119; DE 121) are **GRANTED** on grounds of *forum non conveniens*, subject to the right of the parties upon good cause shown to reopen this action if Defendants fail to comply with the following conditions:

1. Defendants consent to the jurisdiction of Indian courts and agree to accept service of process in India in any civil action timely filed by Emqore on their claims in this matter;
2. Defendants consent to waive any statute of limitations defenses that would not have applied as of the date of filing of this action.

/s/ Kevin McNulty

KEVIN MCNULTY
United States District Judge